



2-28-01

Att. Bar Seq Case 1638
WD #70 1638

PATENT

17133/02/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

IN RE APPLICATION OF

MAR 06 2001

MIKE LASSNER, et al

TECH CENTER 1600/2900

SERIAL NUMBER: 09/549,848

GROUP ART UNIT: 1638

FILED: APRIL 4, 2000

EXAMINER: A. NELSON

DATE: FEBRUARY 27, 2001

TITLE: NUCLEIC ACID SEQUENCES INVOLVED IN TOCOPHEROL SYNTHESIS

RESPONSE TO NOTICE TO COMPLY

RECEIVED

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

MAR 15 2001

TECH CENTER 1600/2900

Sir:

In response to the Official Communication mailed on November 30, 2000, provided herein are a formatted Sequence Listing and a copy of the Sequence listing on computer readable form, and a petition for a 2 month extension of time.

- Fee Transmittal
- Sequence Listing
- Diskette
- Petition for Extension of Time

REMARKS

The content of the paper and computer readable forms submitted herewith are the same and include no new matter.

Applicants conditionally petition for an Extension of Time to provide for the timely filing of the enclosed corrected sheets, if an extension of time is required after all papers filed with this transmittal have been considered. The Commissioner is hereby authorized to charge any fees related to the filing of these documents to Charge No. 13-4125.

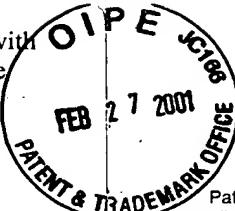
Respectfully submitted,


Brian K. Stierwalt
Patent Attorney
Registration No. 33,213
314-694-9092 St. Louis

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks; Washington, D.C. 20231
Express Mail No.: ELL698849182US
Name: Mike Lassner
Date: 2/27/01

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks; Washington, D.C. 20231

Express Mail No.: EL698819152US
Name: Nicole M. Brendall
Date: 2/27/01



PTO/SB/17 (10/96)

Approved for use through 09/30/98. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Send to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT (\$390.00)

Complete if Known	
Application Number	09/549,848
Filing Date	April 14, 2000
First Named Inventor	Michael Lassner
Group Art Unit	Not Assigned
Examiner Name	Not Assigned
Attorney Docket Number	17133/02/US

TECH CENTER 1600
MAP 11
15 2001
FEB 27 2001

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 13-4125

Deposit Account Name Monsanto Company

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.31(b)

2. Payment Enclosed:

Check Money Order Other

FEE CALCULATION (fees effective 10/01/00)

1. FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
		SUBTOTAL (1) (\$)			

2. CLAIMS

	Extra	Fee from below	Fee Paid
Total Claims -20 =		X <u>18.00</u>	=
Independent - 3 =		X <u>80.00</u>	=
Claims			

Multiple Dependent Claims = 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim	
109	80	209	40	Reissue independent claims over original patent	
110	18	210	9	Reissue claims in excess of 20 and over original patent	
		SUBTOTAL (2) (\$)			

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Entity Fee (\$)	Small Entity Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920	112	920	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	390	216	195	Extension for response within second month	<u>390.00</u>
117	890	217	445	Extension for response within third month	
118	1,390	218	695	Extension for response within fourth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,240	241	620	Petition to revive unintentionally abandoned application	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	230	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	353	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
		SUBTOTAL (3) (\$)			<u>390.00</u>

* Reduced by Basic Filing Fee Paid

RECEIVED

SUBMITTED BY		Complete (if applicable)		
Typed or Printed Name		Reg. Number		33,213
Signature		Date	February 27, 2000	Deposit Acct. User ID 13-4125

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/549,848 04/14/00 LASSEN

M 17133/127/05

HM22/1130

EXAMINER

CALGENE LLC
1920 FIFTH STREET
DAVIS CA 95616

NELSON, A

ART UNIT PAPER NUMBER

1606

5

DATE MAILED:

11/30/00

(BKS) (NTC. TO COMPLX //
SEQ. LISTING)

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED

MAR 15 2001

TECH CENTER 1600/2900

POSTED
11/30/00(1) MONTH FOR
REPLY - EXTS. CAN
BE OBTAINED)

(BKS)

(BKS)

A Brief Summary of Some Significant Rule Changes

*Unless otherwise specified in the rule, the effective date for the PBG-FINAL RULE is November 7, 2000.

Amendment Practice (37 CFR 1.121)

• Specification/Claims

- Amendment by paragraph replacement or rewritten claim in clean form
- Marked-up version showing changes must be supplied

See § 1.121 Slides on PBG-FINAL RULE Webpage for suggested amendment FORMAT (Optional now; mandatory March 1, 2001)

Small Entity Status (37 CFR 1.27) - FORMS NO LONGER REQUIRED (Eff. Sept. 8, 2000):

- Mere written assertion (e.g., use check box on Application Transmittal Forms) is acceptable

Abstract and Title Length (37 CFR 1.72)

- Abstract now limited to 150 words (PBG)
- Title now limited to 500 characters (AIPA)

Application Data Sheet (ADS) (37 CFR 1.76) NEW

• Use of ADS encouraged for more accurate capture of bibliographic data. Data in ADS not needed in declaration.

After Allowance Practice (37 CFR 1.85(c) and 1.136)

- No extensions of time permitted to file corrected or formal drawings

Elimination of Issue Fee Preauthorizations

(37 CFR 1.311)

- Preauthorizations prior to Notice of Allowance no longer permitted

Rocket Docket Established for Designs (37 CFR 1.155)

- Extra submissions plus \$900 fee is required

Proof of Authority of Legal Representative (37 CFR 1.44)

THIS RULE HAS BEEN DELETED. (Eff. Sept. 8, 2000):

- Oath/Dec. (§1.63) should identify legal rep for deceased/incapacitated inventor

Parts of Applications on CD-R or CD-ROM (37 CFR 1.52 (e), 1.58, 1.96 & 1.821)

- Large tables, computer program listings, and bio-sequences now allowed on CD

Patent Business Goals Final Rule

65 Fed. Reg. 54604 (September 8, 2000)

1238 Off. Gaz. Pat. Office 77 (September 19, 2000)



USPTO's PBG-FINAL RULE webpage has helpful related information at one location:
<http://www.uspto.gov/web/offices/dcom/olia/pbg/index.html>

This site includes:
a Listing of Affected Rules,
Training & Implementation Materials including Training Slides, Q & A's, Summaries, Effective Date Chart, Forms Changed by Recent Rules, etc.

Contact:
Bob Spar (703) 308-5107 or
Hiram Bernstein (703) 305-8713
for any PBG Change.

Joe Narcavage (703) 305-1795
for 37 CFR 1.121
Amendment Practice Changes

Eugenia Jones (703) 306-5586
for 37 CFR 1.27 Small Entity Changes



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

5

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for response beyond the SIX MONTH statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

RAW SEQUENCE LISTING

ERROR REPORT

APPLICANTS COPY
BIOTECHNOLOGY
SYSTEMS
BRANCH

0200

The Biotechnology Systems Branch of the Scientific and Technical Information Cent (STIC) detected errors when processing the following CRF diskette:

Application Serial Number:

09/549,848

Art Unit / Team No. :

01PE

Date Processed by STIC:

4/28/2000

THE ATTACHED PRINTOUT EXPLAINS THE ERRORS DETECTED.

PLEASE BE SURE TO FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANTS ALONG WITH A NOTICE TO COMPLY or,**
- 2) CALLING APPLICANTS AND FAXING THEM A COPY OF THE PRINTOUT WITH A NOTICE TO COMPLY**

THIS WILL INSURE THAT THE NEXT SUBMISSION RECEIVED FROM THE WILL BE ERROR FREE.

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CALL:

MARK SPENCER 703-308-4212

OIPE

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/549,848

DATE: 05/04/2000
TIME: 15:30:39

Input Set : A:\Seqlist.txt
Output Set: N:\CRF3\05042000\I549848.raw

4 <110> APPLICANT: Lassner, M
5 Post-Beittenmiller, D
6 Savidge, B
7 Weiss, J
9 <120> TITLE OF INVENTION: Nucleic Acid Sequences Involved in
10 Tocopherol Synthesis
12 <130> FILE REFERENCE: 17133/02
COK 14 <140> CURRENT APPLICATION NUMBER: US/09/549,848
COK 14 <141> CURRENT FILING DATE: 2000-04-14
14 <150> PRIOR APPLICATION NUMBER: 60/129,899
15 <151> PRIOR FILING DATE: 1999-04-15
17 <150> PRIOR APPLICATION NUMBER: 60/146,461
18 <151> PRIOR FILING DATE: 1999-07-30
20 <160> NUMBER OF SEQ ID NOS: 94
22 <170> SOFTWARE: FastSEQ for Windows Version 4.0

ERRORED SEQUENCES

1599 <210> SEQ ID NO: 90
E--> 1600 <211> LENGTH: 0 *25 short*
1601 <213> ORGANISM: Artificial Sequence

1603 <400> SEQUENCE: 90
1604 gaattcactt caaaaaaggtaacag

(mandatory response)
see item 12 on Error Summary Sheet
25L insert
cumulative base total at right margin
of each line

Does Not Comply
Corrected Diskette Needed

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.